

Board Administration and Regulatory Coordination Unit

Division 3. Air Resources Board

Chapter 1. Air Resources Board

Subchapter 2. Agricultural Burning Guidelines

Article 2. Implementation Plan

§ 80140. General.

(a) Each air district shall adopt, implement and enforce a smoke management program consistent with these Guidelines. Each air district or region shall develop its smoke management program in coordination with the ARB, the appropriate fire protection agencies, the land managers having jurisdiction within the district, any other affected parties, and the public.

(b) Two or more districts choosing to implement a regional smoke management program shall meet the following additional requirements:

(1) Execute a signed memorandum of understanding with participating districts that sets forth procedures for the coordination, implementation, and enforcement of shared responsibilities to comply with state smoke management program requirements.

(2) Describe the regional smoke management program requirements, including the following elements, in the memorandum of understanding: a list of district and region boundaries; participating federal and/or state land managers, and other local entities within the region; the decision-making structure of the regional smoke management program; and the joint workplan for implementing the regional smoke management program.

(3) The regional smoke management program will include compliance provisions for each participating air district.

(4) Each participating air district shall implement its responsibilities under the smoke management program in coordination with other regional air districts/burn entities.

(c) The smoke management program of the Sacramento Valley is designated as a regional smoke management program.

(d) Districts shall adopt the elements of their smoke management program according to the following schedule:

(1) Upon the effective date of this regulation, all air districts shall implement the prescribed burning elements of their programs, including the provisions of section 80160, unless exempted pursuant to section 80170.

(2) By July 1, 2001, all air districts shall adopt smoke management programs that meet all applicable requirements of this regulation.

(3) The ARB may extend the scheduled dates by up to six months if an air district demonstrates that, for good cause, additional time is needed.

(e) The ARB shall either approve or indicate its intent to disapprove any program, portion of a program, or amendment of a program within 120 days after submittal.

(f) Prior to disapproval, the ARB Executive Officer shall confer with the air district regarding the reasons for the proposed disapproval. Following such conference, a decision to approve or disapprove the program, portion of a program, or amendment of a program shall be made by the ARB Executive Officer.

(g) The air district may appeal the decision to the ARB. At the request of an air district or, in the case of a regional program, the districts in that region, the Air Resources Board itself, and not the ARB executive officer, shall hold a public hearing on the matter in the district or region affected.

(h) If a program is disapproved, the ARB shall return the program to the air district(s) for amendment. The air district(s) shall amend the program to address ARB concerns within 180 days.

(i) If the program or amendment of such program is disapproved, or if a program or amendment is not submitted by the specified date, the ARB, after a public hearing in the basin affected, shall adopt an alternative program.

(j) The program approved pursuant to subsection (e) or adopted pursuant to subsection (i) shall be enforced by the air district(s).

(k) After an air district smoke management program is approved by the ARB, amendments to the program shall be submitted to the ARB for approval, and shall not be effective until approved. Each program or amendment shall be submitted to the ARB for approval within 30 days after adoption by the district.

(l) After an air district smoke management program is approved by the ARB and the ARB finds that changes are necessary, the ARB shall discuss the findings with the air district and, in consultation with the district, establish an appropriate schedule for revising the smoke management program.

NOTE: Authority cited: Sections 39515, 39516, 39600, 39601, 41856 and 41859, Health and Safety Code. Reference: Sections 39515, 39516, 41856, 41859 and 41863, Health and Safety Code.

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REFERENCE